

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CHERYL E. FARB, :  
HAROLD R. NEWMAN, :  
 :  
Plaintiffs, :  
 :  
-against- : 05-CV-0596 (JS) (ETB)  
 :  
 :  
BALDWIN UNION FREE SCHOOL : NOTICE OF MOTION  
DISTRICT, BALDWIN UNION FREE :  
SCHOOL DISTRICT BOARD OF :  
EDUCATION, JAMES BROWN in his :  
official capacity as Principal :  
and individually, ARLENE :  
GUERRERO in her official :  
capacity as Assistant Principal :  
and individually, and DR. LEE :  
CHAPMAN in his former official :  
capacity as Deputy :  
Superintendent and individually, :  
 :  
Defendants. :  
-----X

**PLEASE TAKE NOTICE**, that upon the accompanying declaration of Lewis R. Silverman, Esq. and Samantha Vélez, Esq., sworn to on the 15<sup>th</sup> day of May, 2009, and the Memorandum of Law in Support of Defendants' post trial motion by their attorneys, Rutherford & Christie, LLP, will move this Honorable Court on a date and time to be decided by this Honorable Court for an Order for:

- 1) a Judgment Not Withstanding the Verdict pursuant to FRCP Rule 50(b) dismissing plaintiffs causes of action for intentional infliction of emotional distress and loss of consortium or, in the alternative;
- 2) a Judgment pursuant to FRCP Rule 59(e) for *remittitur* of the jury's compensatory and punitive damages awards.

Dated: New York, New York  
May 15, 2009

Respectfully submitted,

**RUTHERFORD & CHRISTIE, LLP**

By: *Samantha Vélez*  
Lewis R. Silverman (LS 9723)  
Samantha Vélez (SV 5715)  
Attorneys for Defendants  
369 Lexington Avenue  
New York, New York 10017  
(212) 599-5533

TO: LEEDS MORELLI & BROWN, P.C.  
Attorneys for Plaintiff  
One Old Country Road, Suite 347  
Carle Place, New York 11514  
(516) 873-9550  
Attention: Rick Ostrove, Esq.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing **NOTICE OF MOTION, DECLARATION WITH EXHIBIT and POST TRIAL MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION FOR JUDGMENT** was furnished via regular mail to Plaintiff's Attorney, LEEDS MORELLI & BROWN, P.C., One Old Country Road, Suite 347, Carle Place, NY 11514, Attention: Rick Ostrove, Esq., on this 15<sup>th</sup> day of May, 2009.

  
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Samantha Velez (SV 5715)